

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Shinji IIJIMA, et al.  
Serial No. : 10/523,191  
Filed : January 25, 2005  
For : METHOD OF EXPRESSING GENE IN TRANSGENIC BIRDS USING RETROVIRUS VECTOR AND TRANSGENIC BIRDS THUS OBTAINED  
Group Art Unit : Unassigned  
Examiner : Unassigned

**MAIL STOP MISSING PARTS**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS

SIR:

In response to the Notification of Missing Requirements mailed September 21, 2005, which supersedes the Notification mailed August 4, 2005, submitted herewith are a Declaration/Power of Attorney duly signed by the inventors, a paper copy of a corrected sequence listing, a computer readable copy of the corrected sequence listing, a Statement to Support Filing and Submission of the corrected sequence listing, and a copy of the Notification of Missing Requirements.

The authorization to charge the \$130.00 fee for the Declaration/ Power of Attorney to Deposit Account No. 11-0600 has been provided in an attached transmittal letter. The Office is authorized to charge any additional fees or credit any overpayment to the Deposit Account.

09/28/2005 MKAYPAGH 00000127 110600 10523191  
01 FC:1617 130.00 DA

Respectfully submitted,

KENYON & KENYON

Date: Sept. 23/05

Cassandra T. Swain  
Cassandra T. Swain, Ph.D.  
Reg. No. 48,361

Kenyon & Kenyon  
1500 K Street, NW, Suite 700  
Washington, DC 20005  
(202) 220-4200

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

# FEE TRANSMITTAL for FY 2005

Effective 10/01/2004. Patent fees are subject to annual revision.

 Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 130.00)

## Complete if Known

Application Number	10/523,191
Filing Date	January 25, 2005
First Named Inventor	Shinji IJIMA, et al.
Examiner Name	Unassigned
Art Unit	Unassigned
Attorney Docket No.	12218/46

## METHOD OF PAYMENT (check all that apply)

 Check  Credit card  Money  Other  None  
Order
 Deposit Account:

Deposit Account Number	11-0600
Deposit Account Name	Kenyon & Kenyon

## The Director is authorized to: (check all that apply)

- 
- Charge fee(s) indicated below
- 
- Credit any overpayments
- 
- 
- Charge any additional fee(s) or any underpayment of fee(s)
- 
- 
- Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## FEE CALCULATION

## 1. BASIC FILING FEE

Large Entity	Small Entity				
Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
1001	790	2001	395	Utility filing fee	
1002	350	2002	175	Design filing fee	
1003	550	2003	275	Plant filing fee	
1004	790	2004	395	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	
SUBTOTAL (1)		(\$ 0)			

## 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Independent Claims	Multiple Dependent	Extra Claims	Fee from below	Fee Paid
			-20 **	X 18	=
			-3 **	X 88	=
				X 0	= 0
SUBTOTAL (2)		(\$)			

\*\*or number previously paid, if greater; For Reissues, see above

## 3. ADDITIONAL FEES

Large Entity	Small Entity					
Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid	
1051	130	2051	65	Surcharge - late filing fee or oath	130	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet		
1053	130	1053	130	Non-English specification		
1812	2,520	1812	2,520	For filing a request for ex parte reexamination		
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action		
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action		
1251	120	2251	60	Extension for reply within first month		
1252	450	2252	2225	Extension for reply within second month		
1253	1,020	2253	510	Extension for reply within third month		
1254	1,590	2254	795	Extension for reply within fourth month		
1255	2,160	2255	1,080	Extension for reply within fifth month		
1401	500	2401	250	Notice of Appeal		
1402	500	2402	225	Filing a brief in support of an appeal		
1403	300	2403	150	Request for oral hearing		
1451	1,510	1451	1,510	Petition to institute a public use proceeding		
1452	110	2452	55	Petition to revive - unavoidable		
1453	1,370	2453	685	Petition to revive - unintentional		
1501	1,370	2501	685	Utility issue fee (or reissue)		
1502	490	2502	245	Design issue fee		
1503	660	2503	330	Plant issue fee		
1460	130	1460	130	Petitions to the Commissioner		
1807	50	1807	50	Processing fee under 37 CFR 1.17 (q)		
1806	180	1806	180	Submission of Information Disclosure Stmt		
8021	40	8021	40	Recording each patent assignment per property (times number of properties)		
1809	790	2809	395	Filing a submission after final rejection (37 CFR § 1.129(a))		
1810	790	2810	395	For each additional invention to be examined (37 CFR § 1.129(b))		
1801	790	2801	395	Request for Continued Examination (RCE)		
1802	900	1802	900	Request for expedited examination of a design application		
Other fee (specify) _____						
*Reduced by Basic Filing Fee Paid						
SUBTOTAL (3)		(\$ 130.00)				

## SUBMITTED BY

## Complete (if applicable)

Name (Print/Type)	Cassandra T. Swain, Ph.D.	Registration No. (Attorney/Agent)	48,361	Telephone	202.220.4200
Signature	<i>Cassandra T. Swain</i>			Date	Sep. 23, 2005

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.



## UNITED STATES PATENT AND TRADEMARK OFFICE

P49153 USW  
 UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

U.S. APPLICATION NUMBER NO.

10/523,191

FIRST NAMED APPLICANT

Shinji Iijima

ATTY. DOCKET NO.

12218/46

INTERNATIONAL APPLICATION NO.

PCT/JP03/10198

IA. FILING DATE

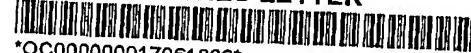
08/11/2003

PRIORITY DATE

08/13/2002

23838  
 KENYON & KENYON  
 1500 K STREET NW  
 SUITE 700  
 WASHINGTON, DC 20005

CONFIRMATION NO. 6125  
 371 FORMALITIES LETTER



\*OC000000017061809\*

Date Mailed: 09/21/2005

**NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 01/25/2005
- English Translation of the IA filed on 01/25/2005
- Copy of the International Search Report filed on 01/25/2005
- Copy of IPE Report filed on 01/25/2005
- Preliminary Amendments filed on 01/25/2005
- Information Disclosure Statements filed on 04/25/2005
- Biochemical Sequence Diskette filed on 01/25/2005
- Biochemical Sequence Listing filed on 01/25/2005
- Request for Immediate Examination filed on 01/25/2005
- U.S. Basic National Fees filed on 01/25/2005
- Priority Documents filed on 01/25/2005

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 9/21/05 SW

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and International filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fees required for this application is \$130 for a Large Entity:

- \$130 Surcharge.

- The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A substitute computer readable form must be submitted as required by 37 CFR 1.825(d). Applicant must provide a substitute computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

Applicant is cautioned that correction of the above items may cause the specification and drawings page count to exceed 100 pages. If the specification and drawings exceed 100 pages, applicant will need to submit the required application size fee.

For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:

- For Rules Interpretation, call (571) 272-0951
- For Patentin Software Program Help, call Patent EBC at 1-866-217-9197 or directly at 703-305-3028 / 703-308-6845 between the hours of 6 a.m. and 12 midnight, Monday through Friday, EST.
- Send e-mail correspondence for Patentin Software Program Help @ [ebc@uspto.gov](mailto:ebc@uspto.gov)

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice MUST be returned with the response.*

WINSTON M ALVARADO

Telephone: (703) 308-9140 EXT 206

**PART 1 - ATTORNEY/APPLICANT COPY**

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/523,191	PCT/JP03/10198	12218/46

FORM PCT/DO/EO/905 (371 Formalties Notice)